

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES OF AMERICA,)

Appellee,) **Docket No. 22-3086**

v.)

STEPHEN K. BANNON,)

Appellant.)

**APPELLANT’S UNOPPOSED MOTION FOR SEVEN (7) DAYS
EXTENSION OF TIME FOR FILING HIS BRIEF AND THE APPENDIX**

The Appellant, Stephen K. Bannon, through the undersigned counsel, hereby respectfully moves this Court, pursuant to Rules 26(b) and 27 of the Federal Rules of Appellate Procedure and Circuit Rules 27(h) and 28(e) for a seven (7) days extension of time for filing the Appellant’s Brief and Appendix - from April 26, 2023 until May 3, 2023. This extension is sought for good cause, including extraordinary unforeseeable reasons explained below (sudden death of undersigned counsel’s father-in-law and a debilitating virus for counsel).

The undersigned has consulted with opposing counsel and is authorized to represent to the Court that the Appellee takes “no position” on this extension request and “defers to the Court.” See Circuit Rule 28(e)(3).

The Appellant respectfully submits that the reasons supporting the seven (7)

days extension satisfy both the “good cause” standard set forth in Rule 26(b) of the Federal Rules of Appellate Procedure and the “extraordinarily compelling reasons” standard set forth in Circuit Rule 28(e)(1).

Approximately three (3) weeks ago, the undersigned’s father-in-law suddenly died, just hours after being rushed to the emergency department of a local hospital. This was a traumatic event, side-lining the preparation of Mr. Bannon’s brief. In addition, the undersigned got a debilitating, apparently non-Covid virus that has lasted for the past three (3) weeks, defying a definitive diagnosis or effective treatment. The undersigned has been working as diligently as possible on the brief, notwithstanding these developments; but was only able to work in a very limited capacity these past three (3) weeks. Today is the first day the undersigned is returning to a full work day. The undersigned is a solo practitioner with no associates or office staff.

The record on appeal in this case was completed on January 24, 2023 and the undersigned so notified the Court on that date. On January 25, 2023, the Court issued a briefing schedule, setting March 27, 2023, as the date for the Appellant to file his brief and the Appendix. The undersigned worked diligently on reaching agreement with opposing counsel on the contents of the voluminous Appendix early on, See FRAP 30(b)(1); *Handbook of Practice and Internal Procedures* § IX B. 2., on compiling the Appendix, and on preparing the Brief, until the events

described above.

Since then, as noted, despite best efforts, work has been limited by the described events. The Appendix has now been completed. One previous unopposed motion for an extension of time was sought and granted in this case, based on a scheduling conflict already in place when the Scheduling Order herein was filed. The Brief and Appendix currently are due to be filed on April 26, 2023.

The undersigned regrets having to move for this extension, but respectfully submits that under these circumstances, the request is supported by both good cause and unforeseeable exceptionally compelling reasons. The undersigned does not anticipate needing any further extension of time.

The issues in this case are important and are constitutionally significant. This brief extension period is absolutely necessary to effectively represent the Appellant in this case.

CONCLUSION

Based on all of the foregoing, and for good cause and the attending extraordinarily compelling and unforeseeable reasons shown, the Appellant respectfully asks this Court to grant an extension of time for seven (7) days for the filing of his Brief and the Appendix, extending the filing date from April 26, 2023 to May 3, 2023.

Respectfully Submitted,

/s/ David I. Schoen

David I. Schoen (D.C. Bar No. 391408)
Counsel for Appellant Stephen K. Bannon

CERTIFICATE OF COMPLIANCE WITH FRAP 27(d)

I hereby certify, pursuant to Rule 32(g), *Federal Rules of Appellate Procedure*, that this motion complies with the type-volume limitation of Rule 27(d)(2)(A), *Federal Rules of Appellate Procedure* in that it has been prepared in 14 point, Times New Roman font, and contains 569 words, as counted by the WordPerfect word processing program.

/s/ David I. Schoen

David I. Schoen

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2023, I caused a copy of the foregoing Motion to be served on all counsel of record by filing the same through this Court's ECF system.

/s/ David I. Schoen

David I. Schoen

ADDENDUM**CERTIFICATE OF INTERESTED PARTIES**
(Circuit Rules 27(a)(4); 28(a)(1)(A))

The following parties and *amici* appeared in this case in the district court:

1. Stephen K. Bannon, Defendant/Appellant;
2. House Minority Leadership, *Amici*;
3. United States of America, Appellee;
4. United States House of Representatives, *Amici*.